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Reply to:
Paul Thanasides
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January 6, 2023

VIA ECF

Hon. Brian M. Cogan
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Full Circle United, LLC v. Bay Tek Entertainment, Inc.*, No. 20-cv-3395-BMC

Dear Judge Cogan:

We are counsel for Full Circle United, LLC and Eric Pavony (collectively, “Full Circle”) in the above-captioned action. We respectfully submit this response to the letter motion submitted by Bay Tek Entertainment, Inc. (“Bay Tek”) on December 23, 2022 (the “Motion”) (ECF No. 152). In the Motion, Bay Tek asks for approval to file under seal certain documents attached as exhibits to the Supplemental Declaration of Jeffrey F. Movit in support of Bay Tek’s Motion for Summary Judgment. These documents were designated confidential or highly confidential pursuant to the Protective Order entered in this matter (ECF No. 57).

Full Circle generally does not oppose the request to file the material under seal. Full Circle writes to explain the circumstances of Bay Tek’s request for Full Circle to waive the designations that require the materials to be filed under seal.

Four months after Bay Tek filed its pre-motion letter outlining its summary judgment motion and days before the holiday, on December 20, 2022, Bay Tek for the first time identified over fifty items Bay Tek claimed should not be designated confidential, and gave Full Circle two days to determine whether it would withdraw confidentiality designations made to these items. This request required counsel to review hundreds of pages of documents and several hours of video.

Bay Tek provided no prior notice to Full Circle or its counsel that it would be making such a request shortly before the holiday. Rather, Bay Tek expected Full Circle’s counsel to drop everything else they had to do in this and other cases, without prior notice, and instead do the work Bay Tek demanded be done in two days. Ultimately, counsel spent as much time as possible, working late into the night despite family obligations, and got through a portion of the items before counsel had to attend to previously-scheduled holiday travel. Counsel emailed Bay Tek’s counsel at 1:56 p.m. on December 22 to identify eight items for which Full Circle agreed to withdraw confidentiality designations. The email stated:

To be clear, Full Circle is not saying that it will not withdraw designations made, in whole or in part, to other documents and videos identified by BT two days ago, it is merely that considering the limited notice provided and FCU's attorneys' holiday travel plans, FCU has not been given adequate time to properly make such determinations as to the full list. We have gone through the list as far as we can and must now leave the office for previously scheduled holiday travel.

Thank you for Your Honor's attention to Full Circle's explanation of the circumstances relating to the review of items Bay Tek has requested to be sealed.

Respectfully,

/s/ Paul Thanasides

Paul Thanasides

cc: All counsel of record (by ECF)